

THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

CAROL CHESEMORE, DANIEL )  
DONKLE, THOMAS GIECK, MARTIN )  
ROBBINS, and NANETTE STOFLET, on )  
behalf of themselves, individually, and on )  
behalf of all others similarly situated, )

Plaintiffs, )

vs. )

ALLIANCE HOLDINGS, INC., DAVID B. )  
FENKELL, PAMELA KLUTE, JAMES )  
MASTRANGELO, STEPHEN W. PAGELOW, )  
JEFFREY A. SEEFELDT, TRACHTE )  
BUILDING SYSTEMS, INC. EMPLOYEE )  
STOCK OWNERSHIP PLAN, ALLIANCE )  
HOLDINGS, INC. EMPLOYEE STOCK )  
OPTION PLAN, A.H.I., INC., ALPHA )  
INVESTMENT GROUP, LLC, JOHN MICHAEL )  
MAIER, AH TRANSITION CORPORATION, )  
and KAREN FENKELL, )

Defendants. )

**CASE NO.: 3:09-cv-000413**

**Judge William M. Conley**

**NOTICE OF APPEAL**

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Notice is hereby given that Defendant-Appellant, David B. Fenkell, in the above-named case, hereby appeals to the United States Court of Appeals for the Seventh Circuit from the Opinion and Order signed by District Judge William M. Conley on the 27th day of August, 2015, and entered in this action on the 28th day of August, 2015, Document 1087, granting in part the Motion of Alliance Holdings, Inc. and the Alliance Holdings, Inc. Employee Stock Ownership Plan [and Trust (the "Alliance ESOP")] to Enforce the Judgment, for a Constructive Trust, Temporary Restraining Order and Injunction Freezing Fenkell Assets, and for Attorneys' Fees, and among other things, ordering Mr. Fenkell to restore to the Alliance ESOP

\$2,044,014.42 within seven (7) days of this Court's Order or show cause why he should not be held in contempt of court.

The Docketing Statement required pursuant to Circuit Rule 3(c)(1) of the United States Court of Appeals for the Seventh Circuit is filed as an attachment to this Notice of Appeal.

Dated: September 25, 2015

Respectfully submitted,

HAWKINS PARNELL  
THACKSTON & YOUNG LLP

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*Attorneys for David B. Fenkell*

**CERTIFICATE OF SERVICE**

This is to certify that on this 25th day of September 2015, I caused to be electronically filed the foregoing NOTICE OF APPEAL (including the Docketing Statement required pursuant to Circuit Rule 3(c)(1) of the United States Court of Appeals for the Seventh Circuit filed as an attachment to this Notice of Appeal along with a separate Certificate of Service for the Docketing Statement) via the CM/ECF system, which sent electronic notice to all counsel of record.

/s/ David R. Johanson

David R. Johanson